

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FRANCISCO RICO RODRIGUEZ	§	
VS.	§	CIVIL ACTION NO. 1:25cv49
TDCJ-CID, ET AL.	§	

MEMORANDUM OPINION AND ORDER

Plaintiff Francisco Rico Rodriguez, an inmate confined at the Lewis Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against TDCJ-CID, Bobby Lumpkin, Sergeant Kelly, Mrs. Ross and Mr. Gondeck.

Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, pursuant to which this case is brought, does not contain a specific provision governing venue. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. When, as in this case, subject-matter jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue over the lawsuit is proper only in the judicial district where the defendants reside or in which the claims arose. Tile 28 U.S.C. § 1406(a) provides that a case filed in the wrong district may be transferred to any district where it could have been brought.

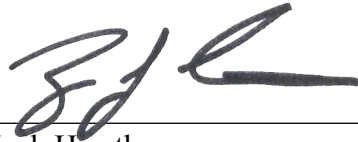
Plaintiff's claims concern events that occurred at the Estelle Unit, where he was formerly incarcerated. The Estelle Unit is located in Walker County, Texas. Pursuant to 28 U.S.C. § 124, Walker County is located in the Houston Division of the Southern District of Texas. Plaintiff's claims therefore arose in Walker County. Further, the individual defendants appear to reside in Walker County.

As Plaintiff's claims did not arise in the Eastern District of Texas and the individual defendants do not reside in the Eastern District, venue is not proper in this court. This case will therefore be transferred to the Houston Division of the Southern District of Texas.

ORDER

For the reasons set forth above, it is **ORDERED** that this civil rights action is **TRANSFERRED** to the Houston Division of the United States District Court for the Southern District of Texas.

SIGNED this 6th day of February, 2025.

A handwritten signature in dark ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn
United States Magistrate Judge